

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES DUFFY,

Plaintiff,

vs.

BERNARD A. DUFFY, et al.,

Defendants.

Case No. 2:09-cv-01200-KJD-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

This matter is before the court on Plaintiff's failure to file an Amended Complaint. On June 30, 2009, Plaintiff filed an Application to Proceed *In Forma Pauperis* (Dkt. #1). On August 14, 2009, the court entered an Order (Dkt. #2) screening Plaintiff's complaint pursuant to 28 U.S.C. § 1915 and finding that it failed to state a claim upon which relief could be granted because it did not state a federal claim or allege a basis for federal jurisdiction. The court further directed that Plaintiff's Complaint be dismissed with thirty-day leave to amend, and warned Plaintiff that "[f]ailure to comply with this Order will result in a recommendation to the District Judge that the Complaint be dismissed." Order at 3:9-10. To date, Plaintiff has not filed an Amended Complaint nor sought an extension of time in which to do so.

Accordingly,

IT IS RECOMMENDED that this case be dismissed with prejudice for failure to comply with the court's prior Order (Dkt. #2) and failure to assert a federally cognizable claim.

Dated this 21st day of September, 2009.


 PEGGY A. LEEN
 UNITED STATES MAGISTRATE JUDGE